IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 562 OF 2007
WITH
CIVIL APPLICATION NO. 783 OF 2007
IN
A.O. No. 562 of 2007
IN
NOTICE OF MOTION NO. 2025 OF 2005
IN
L.C. SUIT NO. 2690 OF 2005

Eliar Louis Miranda .. Appellant.

V/s.

Municipal Corporation of Gr.Mumbai .. Respondent.

Mr.Rakesh D.Dave for the Appellant.

Ms. Geeta Joglekar for the Respondent BMC.

CORAM : S. A. BOBDE, J.

DATED : 20th JULY, 2007.

P.C. :-

. Not on board. Mentioned. Paper produced at 3 p.m.

2. Heard. Admit. Taken up for final disposal by consent.

3. Ms.Geeta Joglekar, the learned counsel for the Respondent states that earlier, an offending structure of the appellant/ petitioner was removed from the nala.

However, now the appellant has put the structure at the same place but over the nala. The learned counsel states that the BMC will take appropriate action in accordance with law and pass appropriate orders on the petitioner's reply to the show cause notice. The order of the trial court is, therefore, hereby set aside. Hence, the learned counsel for the appellant/petitioner does not press any argument at this stage.

4. The Respondent BMC shall not take any coercive action till the appropriate order is passed on the petitioner's reply to the show cause and for a period of two weeks thereafter.

5. The learned counsel for the appellant seeks leave to withdraw the suit. The suit shall stand withdrawn. However, the appellant shall have liberty to file a fresh suit in respect of any further action which the BMC may take against the appellant.

6. The A.O. with the civil application is disposed of accordingly.

(S.A.BOBDE,J.)

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